

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL J. ZUEGE, JR.,

Plaintiff,

ORDER

v.

09-cv-451-slc

DANIEL KNOCH, ROBERT LAZORIK and
WISCONSIN PATIENTS COMPENSATION
FUND,

Defendants.

Plaintiff is proceeding on his Eighth Amendment and state law negligence claims against defendants Daniel Knoch and Robert Lazorik, and on his state negligence claims against defendant Wisconsin Patient Compensation Fund. The University of Wisconsin Hospital and Clinics was dismissed from this case on November 9, 2009. Now before the court is plaintiff's motion to compel defendants Knoch and Lazorik to produce his University of Wisconsin Hospitals and Clinics medical file and all notice of claims filed by prisoners in the Wisconsin Prison system concerning treatment they received at the University of Wisconsin Hospitals and Clinics for the past three years.

Defendants Knoch and Lazorik respond that they cannot produce plaintiff's University of Wisconsin Hospital and Clinics medical records because they are not custodians of the records. Because these are plaintiff's own medical records he should be able to obtain them from the University of Wisconsin Hospitals and Clinics by requesting them, even though the hospital is no longer a defendant in this action.

Also, defendants Knoch and Lazorik respond that they do not possess notice of claims filed with the Attorney General's office by prisoners in the Wisconsin prison system concerning treatment they received at the University of Wisconsin Hospitals and Clinics for the last three years. Therefore, they cannot produce them. In addition, this evidence is not relevant to plaintiff's claim concerning the treatment he received and whether it deviated from the standard of care. Plaintiff's motion to compel defendants to produce these documents will be denied.

ORDER

IT IS ORDERED that plaintiff's motion to compel, dkt. #40, is DENIED.

Entered this 19th day of November, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge